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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

KATERINA B. EYRE, TIM FREEMAN,  
MAZAMA SPORTING GOODS, NATIONAL  
SHOOTING SPORTS FOUNDATION, and  
OREGON STATE SHOOTING  
ASSOCIATION,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, Attorney General  
of Oregon, and TERRI DAVIE, Superintendent  
of the Oregon State Police,

Defendants.

Case No. 3:22-cv-01862

DECLARATION OF MATTHEW G.  
FRENCH

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**Declaration of Matthew G. French on Behalf of Sportsman's Warehouse**

I, Matthew G. French, hereby declare as follows.

1. I am over the age of 18 years, and I am qualified to submit this declaration on behalf of Sportsman's Warehouse.
2. I am the Vice President, Compliance, of Sportsman's Warehouse. I have served in that role since 2003.
3. I have personal knowledge of the facts set forth in this declaration through direct involvement and by personally reviewing Sportsman's Warehouse records and information.
4. Sportsman's Warehouse is an outdoor sporting goods retailer with 131 stores across the United States, including 8 locations in Oregon.
5. Sportsman's Warehouse sells apparel, footwear, and gear to for a wide array of outdoor activities, including camping, fishing, and hunting.
6. Sportsman's Warehouse sells firearms, ammunition, and associated shooting sports accessories. Each Sportsman's Warehouse location is authorized by law to do so as a Federal Firearms Licensee ("FFL") licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF").
7. Sportsman's Warehouse is a "Gun dealer" as that term is defined in Measure 114.
8. Under current Federal and State statute and/or regulation (e.g. prior to the effective date of Measure 114), a customer desiring to purchase a firearm from an Oregon Sportsman's Warehouse location must complete the following steps: The purchaser must prove his or her identity via presentation of valid and current government-issued identification reflecting full legal name, current address, date of birth, and that bears a photograph of the purchaser. The purchaser must complete a Firearms Transaction Record (ATF Form 4473).

9. After completion of the ATF Form 4473, Sportsman's Warehouse must submit to the Oregon State Police (hereinafter, "OSP") the information provided by the customer. OSP must perform a background check. Sportsman's Warehouse policy is to transfer a firearm only after an approved response to the associated background check is provided by OSP.

10. Historically, this process often took less than one day; many Oregon residents could expect to leave with a lawfully purchased firearm before the end of the day. Others could expect to take possession of their lawfully purchased firearm after a short delay required for OSP to complete the required background check.

11. Measure 114 requires customers obtain a "permit-to-purchase" before Sportsman's Warehouse can initiate a transaction for a firearm. As Sportsman's Warehouse understands the permit process, a person must be fingerprinted and apply for a permit to the police chief or county sheriff where the person resides. As a prerequisite for obtaining a "permit-to-purchase," a person must provide proof that she has completed a firearm safety course that, among other things, involved an in-person demonstration of the applicant's ability to lock, load, unload, fire and store a firearm. The in-person demonstration must be done before an instructor certified by a law enforcement agency. To my knowledge, no law enforcement agency has certified any individual or organization as an instructor for purposes of Measure 114 in any of the jurisdictions in which Sportsman's Warehouse has stores in Oregon.

12. Upon the effective date of Measure 114, and until such time as permits are issued by the relevant law enforcement agencies, no Oregon resident (with the possible exception of some law enforcement personnel) will qualify to purchase a firearm at any Sportsman's Warehouse location.

13. Enforcement of Measure 114 without an extant permitting process will eliminate the ability of Oregon residents to lawfully purchase firearms. Specifically, the Oregon residents that Sportsman's Warehouse serves for their personal protection, outdoor sporting interests, hunting and shooting sports activities will be incapable of making firearm purchases.

14. If Measure 114 takes effect, Sportsman's Warehouse locations in Oregon will effectively become unable to sell firearms, costing Sportsman's Warehouse its largest single revenue source.

15. In addition to selling firearms, Sportsman's Warehouse currently sells, in its Oregon stores detachable magazines that hold more than 10 rounds of ammunition as well as some firearms with fixed magazines that hold more than 10 rounds of ammunition. These magazines qualify as "large-capacity magazines" under Oregon's new Measure 114.

16. If Measure 114 takes effect, Sportsman's Warehouse will no longer be permitted to lawfully sell such products in its Oregon stores, even though there is great demand for them.

17. Measure 114 will therefore cost Sportsman's Warehouse considerable money in lost magazine sales if it is allowed to take effect.

18. Absent an injunction, Sportsman's Warehouse and its employees will suffer additional irreparable harm by being forced to cease lawful, federally licensed operations within Oregon, resulting in significant negative impacts to Sportsman's Warehouse revenue.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30<sup>th</sup> day of November, 2022.

By:   
Matthew G. French